

Formula No. A-417," appearing on the respective labels of the articles, were devices which falsely and fraudulently represented their curative or therapeutic effects, since the said coined names or symbols meant to purchasers that the articles were effective medicinally in the treatment of (Formula D-44) diabetes, effective to cause the pancreas to function so as to secrete sufficient insulin to burn up the sugar in the human body and thus to prevent diabetes and to check the progress of that disease, effective to control diabetes in the stage called insipidus, effective to restore normal balance and to increase the secretion of natural insulin by supplying the vital minerals to effectuate such restoration and such balance; (Formula No. H-410) effective medicinally in the treatment of high blood pressure, effective as a vaso-dilator and as a diuretic, and that it was capable of imparting to the human body the full power of two active dietary adjuvants in a concentrated and quickly available form; effective medicinally in the treatment of asthma and hay fever, and that it was capable of furnishing essential, selected organic minerals necessary in maintaining a balance of alkaline reserve; and such names or symbols had attained such meanings to purchasers as a result of the following facts and circumstances: booklets entitled "Wrong Diet The Curse of the Age," a supply of which was furnished by the consignor to the consignee and was distributed to customers and prospective customers, contained on page 31 the following statements: "D-44 * * * Carbohydrate Tolerance (Diabetic)," "H-410 Blood Pressure (High)," and "A-417 * * * Respiratory Irritation (Asthmatic)"; and said booklets also contained the above-mentioned claims regarding the curative and therapeutic effects of the respective articles. Moreover, the labeling theretofore [1935] used on the respective articles contained the following wording: "Vegetrate Formula No. D-44 Highly valuable as a Food Adjuvant for the Diabetic"; "Vegetrate Formula No. H-410 A Food Recommended as a Dietary Adjuvant in the Reduction of Hypertension"; and "Vegetrate Formula No. A-417 A Food Concentrate Recommended Highly as a Nutritional Adjuvant in the Dietary Care of the Asthmatic Hay Fever."

On April 27, 1939, a plea of guilty having been entered on behalf of Vegetrates, Inc., and pleas of nolo contendere having been entered by Hamburg and Sabol, the court imposed fines of \$150 against the corporation and \$60 against each of the individuals.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30642. Adulteration and misbranding of cotton swab applicators. U. S. v. 34 Cartons of Sanitary Cotton Swab Applicators. Default decree of condemnation and destruction. (F. & D. No. 45160. Sample No. 17577-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained a substantial amount of boric acid, whereas it contained but a trace of boric acid.

On April 8, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cartons of cotton swab applicators at Baltimore, Md.; alleging that the article had been shipped on or about February 13, 1939, by Eagle Druggists Supply Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed quality or standard under which it was sold, namely, (carton) "Made from sterilized absorbent cotton"; whereas it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statement on the envelope, "Sanitary applicators * * * (borated)," the statements on the carton, "Sanitary cotton swab applicators," "Made from sterilized absorbent cotton and dipped in boric acid," and "Sanitary cotton swab applicators are approved and recommended by doctors and nurses"; and the designs of a surgeon, a nurse, a man applying an applicator to the mouth of a boy, and of a nurse applying an applicator to the eye of an infant, were false and misleading when applied to the article, which was not sterile and which contained but an inconsequential trace of boric acid.

On April 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*